

REFERENCE TITLE: trust land; airport lease renewal

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SCR 1016

Introduced by
Senators Gould: Blendu, Burns, Gray, Harper, Johnson, Martin, Verschoor

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X,
SECTION 3, CONSTITUTION OF ARIZONA; RELATING TO STATE TRUST LANDS; PROVIDING
FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of
2 Representatives concurring:

3 1. Article X, section 3, Constitution of Arizona is proposed to be
4 amended as follows if approved by the voters and on proclamation of the
5 Governor:

6 3. Mortgage or other encumbrance; sale or lease at
7 public auction

8 Section 3. A. No mortgage or other encumbrance of the
9 said lands, or any part thereof, shall be valid in favor of any
10 person or for any purpose or under any circumstances whatsoever.

11 B. Said lands shall not be sold or leased, in whole or in
12 part, except to the highest and best bidder at a public auction
13 to be held at the county seat of the county wherein the lands to
14 be affected, or the major portion thereof, shall lie, notice of
15 which public auction shall first have been duly given by
16 advertisement, which shall set forth the nature, time and place
17 of the transaction to be had, with a full description of the
18 lands to be offered, and be published once each week for not
19 less than ten successive weeks in a newspaper of general
20 circulation published regularly at the state capital, and in
21 that newspaper of like circulation which shall then be regularly
22 published nearest to the location of the lands so offered; nor
23 shall any sale or contract for the sale of any timber or other
24 natural product of such lands be made, save at the place, in the
25 manner, and after the notice by publication provided for sales
26 and leases of the lands themselves.

27 C. Nothing herein, or elsewhere in article X contained,
28 shall prevent:

29 1. The leasing of any of the lands referred to in this
30 article in such manner as the legislature may prescribe, for
31 grazing, agricultural, commercial and homesite purposes, for a
32 term of ten years or less, without advertisement. ~~,~~

33 2. The leasing of any of said lands, in such manner as
34 the legislature may prescribe, whether or not also leased for
35 grazing and agricultural purposes, for mineral purposes, other
36 than for the exploration, development, and production of oil,
37 gas and other hydrocarbon substances, for a term of twenty years
38 or less, without advertisement. ~~, or,~~

39 3. The leasing of any of said lands, whether or not also
40 leased for other purposes, for the exploration, development, and
41 production of oil, gas and other hydrocarbon substances on, in
42 or under said lands for an initial term of twenty (20) years or
43 less and as long thereafter as oil, gas or other hydrocarbon
44 substance may be procured therefrom in paying quantities, the
45 leases to be made in any manner, with or without advertisement,

1 bidding, or appraisement, and under such terms and provisions,
2 as the legislature may prescribe, the terms and provisions to
3 include a reservation of a royalty to the state of not less than
4 twelve and one-half per cent of production.

5 4. THE LEASING OF ANY OF THE LANDS REFERRED TO THIS
6 ARTICLE FOR THE OPERATION OF AN AIRPORT BY A PUBLIC OR PRIVATE
7 ENTITY FOR A TERM OF TWENTY-FIVE YEARS BUT NOT MORE THAN FIFTY
8 YEARS WITHOUT APPRAISEMENT, ADVERTISEMENT, AUCTION OR
9 COMPETITIVE BIDDING. THE LEGISLATURE MAY REGULATE SUCH AIRPORT
10 LEASES TO PROTECT MILITARY FACILITIES AND OPERATIONS.

11 2. Submission to voters; conditional enactment

12 A. The Secretary of State shall submit this proposition to the voters
13 at the next general election as provided by article XXI, Constitution of
14 Arizona.

15 B. This proposition is not effective unless both of the following
16 occur:

17 1. This proposition is approved and ratified by the voters pursuant to
18 subsection A of this section.

19 2. On or before December 31, 2008, the Arizona-New Mexico Enabling Act
20 (Act of June 20, 1910; 36 Stat. 557) is amended by Congress and signed into
21 law to authorize the amendment of the Constitution of Arizona as proposed by
22 section 1 of this proposition. On or before December 31, 2008, the state
23 land commissioner shall notify the director of the legislative council in
24 writing whether this condition occurred and the date the enabling act was
25 amended.